

### **REMARKS**

This Amendment is in response to the non-final Office Action mailed December 15, 2005. Claims 1-37 are pending in the present application. Claims 1-37 were examined and rejected in the Office Action. Independent claims 1, 24, and 29 have been amended. Claims 6 and 28 have been canceled. Applicant respectfully requests examination and reconsideration in view of the following remarks.

#### **Claim Rejections - 35 U.S.C. §102**

Claims 1, 2, 4, 5, 8-10, and 16-19 were rejected under 35 U.S.C. 102(e) as being anticipated by Merwin et al., U.S. Patent No. 6,731,725 B1 (hereinafter Merwin).

##### **Claim 1**

Applicant's amended claim 1 is drawn to a method of storing and accessing information to and from a remote voice information system. The method involves, among other features, routing a call to an intelligent network component where routing the call includes routing the call to the voice information application at a telecommunications system services node. The Office Action explicitly acknowledges that Merwin fails to disclose routing a call to an intelligent network includes routing the call to the voice information application. (See Office Action page 10, 3<sup>rd</sup> full paragraph). Thus, Merwin does not anticipate amended claim 1 and amended claim 1 is allowable over Merwin.

##### **Dependent Claims**

At least because claims 2, 4, 5, 8-10, and 16-19 inherit the language of amended claim 1, claims 2, 4, 5, 8-10, and 16-19 are also allowable over Merwin.

#### **Claim Rejections - 35 U.S.C. §103**

Claims 3, 11-14, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Wise et al., U.S. Patent No. 5,884,262 (hereinafter Wise) (Claims 29, and 32-37 were not listed as rejected). Claims 6 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Hartselle et al., U.S. 2004/0213385 (hereinafter Hartselle). Claims 21-23 were rejected under 35 U.S.C.

103(a) as being unpatentable over Merwin in view of Wise and further in view of Hartselle. Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Wise and further in view of Johnstone et al. (US 4,462,080 hereinafter Johnstone). Claims 24 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Cloutier et al. (US 6,535,586 B1 hereinafter Cloutier). Claims 26 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Cloutier and further in view of Wise. Claim 28 was rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Cloutier and further in view of Hartselle. And claims 30 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Merwin in view of Wise and further in view of Cloutier. Independent claims 1, 24, and 29 have been amended and Applicant respectfully submits that Merwin in view of Wise, Cloutier, Hartselle, and/or Johnstone does not make obvious each and every feature of amended claims 1, 24, and 29.

Claims 24 and 29

Applicant's amended claim 24 is drawn to a method of storing and accessing information to and from a remote voice information system. The method involves, among other features, (1) routing a call to the voice information application at a telecommunications system services node, (2) storing at a remote server one or more text information messages for access by the voice information application, and (3) receiving a request from the subscriber for voice information accessible by the voice application from the remote server.

Applicant's amended claim 29 is drawn to a system for storing and accessing information to and from a remote voice information system. The system includes a voice information application operative, among other features, to store at a remote server one or more text information messages for access by the voice information application.

As describe above with respect to amended claim 1, the Office Action acknowledges that Merwin fails to disclose routing a call to an intelligent network includes routing the call to the voice information application. (See Office Action page 10, 3<sup>rd</sup> full paragraph). The Office Action also acknowledges that Merwin and Cloutier alone or in combination fail to disclose storing at a remote server one or more text

information messages for access by the voice information application as recited in amended claim 24. (See Office Action page 15, 1<sup>st</sup> paragraph). However, the Office Action relies on Hartselle to resolve the deficiencies of Merwin and Cloutier.

Applicant respectfully traverses the 103 rejections because the Office Action does not make a *prima facie* case of obviousness over amended claims 1, 24, and 29. In order to make a *prima facie* case of obviousness, the Office Action must set forth prior art that teaches or suggests every claim limitation. (See MPEP § 2143.) The reference Hartselle would only qualify as prior art under one or more of subsections (e), (f), and (g) of 35 U.S.C. §102. Thus, according to 35 U.S.C. §103, Hartselle shall not preclude patentability because Hartselle and the present application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. Accordingly, Hartselle is not prior art. Consequently, a rejection of any of the pending claims over Merwin in view of Hartselle is inappropriate, and Applicant respectfully requests withdrawal of the rejection of claims 24 and 29 in view of Hartselle.

#### Dependent Claims

At least because claims 3, 7, 11-15, 20-23, 25-27, and 30-37 inherit the language of allowable independent claims 1, 24, or 29, claims 3, 7, 11-15, 20-23, 25-27, and 30-37 are also allowable over Merwin in view of Wise, Cloutier, and/or Johnstone alone or in combination.

#### CONCLUSION

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

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Respectfully submitted,



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